IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **CWP No.15873 of 2006**

DATE OF DECISION: November 23, 2006

JANAK RAJ AND OTHERS ...PETITIONERS

VERSUS

DEPUTY COMMISSIONER & OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.
HON'BLE MRS. JUSTICE NIRMAL YADAV.

PRESENT: MR. O.S. BATALVI, ADVOCATE FOR THE PETITIONERS.

ASHUTOSH MOHUNTA, J. (ORAL)

The petitioners are aggrieved by the orders, Anenxure P-5 and P-7 by which they are held to be in unauthorized occupation of the land, which belongs to the Gram Panchayat and have been ordered to be evicted.

The Gram Panchayat filed an application under Section 5 read with Section 7-A of the Punjab Public Premises Act (Rent Recovery and Eviction Act) for short ('Public Premises Act') for eviction of the petitioners from the land in dispute. It was averred that the land in dispute belongs to Gram Panchayat, as is clear from the jamabandi for the year 1992-93. The disputed premises were taken on lease by the father of the petitioners for a period of 1 year and as he did not hand over the vacant possession of the land hence a petition under the Public Premises Act was filed. The stand of the present petitioners was that they are in possession of the suit land since the year 1947. However, no documentary evidence was produced to show their possession since 1947.

The Collector ordered the eviction of the petitioners as the land belongs to the Gram Panchayat and was leased out to the father of the petitioners for a period of 1 year. The appeal filed by the petitioners was dismissed by the Commissioner vide order dated 26.4.2006.

Counsel for the petitioners has argued that the father of the petitioners had expired in the year 1986 and therefore, obviously he could not have taken the land on lease in 1990.

We have perused the impugned orders as well as the grounds of appeal filed by the petitioners. The petitioners have not even raised this point that their father has expired in the year 1990. Apart from the above, the petitioners have not even raised this argument before the Commissioner. Even on merits, the petitioners have failed to show as to how they came into possession of the suit land.

We find no ground to interfere in the impugned orders and accordingly, the writ petition is dismissed.

(ASHUTOSH MOHUNTA)
JUDGE

November 23, 2006
Gulati

(NIRMAL YADAV)
JUDGE